

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**WILLIAM R. TURNER,
RESPONDENT**

vs.

**GIL COPLEY, DIRECTOR OF THE ST. CHARLES COUNTY DEPARTMENT OF
COMMUNITY HEALTH AND ENVIRONMENT, AND THE MERIT SYSTEM
COMMISSION OF ST. CHARLES COUNTY, AND ST. CHARLES COUNTY,
MISSOURI,
APPELLANTS**

DOCKET NUMBER WD73204

DATE: OCTOBER 4, 2011

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Patricia S. Joyce, Judge

Appellate Judges:

Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Attorneys:

Brian D. Klar, for Respondent

Jonathan Maire, Co-counsel for Respondent

Harold A. Ellis, for Appellants

MISSOURI APPELLATE COURT OPINION SUMMARY

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MISSOURI, APPELLANTS**

WD73204

Cole County, Missouri

Before Division Three: Victor C. Howard, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Gil Copley and St. Charles County appeal the circuit court's judgment reversing the decision of the Merit System Commission of St. Charles County upholding the termination of William Turner's employment as a Regional Response Planner with the County. The circuit court's judgment is reversed, and the case is remanded with instructions to reinstate the Commission's decision.

REVERSED AND REMANDED.

Division Three holds:

(1) Where evidence was presented that Mr. Turner's conduct was inappropriate and his performance was unsatisfactory during and after a national public emergency operation, the Commission's conclusions that the County was authorized and had grounds to terminate Mr. Turner's employment were supported by substantial and competent evidence.

(2) Where Mr. Turner's inappropriate behavior and unsatisfactory performance were so disruptive, unsafe, or prejudicial to the County that immediate and severe discipline was warranted, the disciplinary action of termination of his employment was justified under the County's ordinances.

(3) Where the notice received by Mr. Turner was adequate to inform him of the reasons for his dismissal as required by the County's ordinances, Mr. Turner was not denied procedural due process.

(4) Where one associate county counselor represented the County during the proceedings and another associate county counselor served as staff counsel and advisor to the Commission but their roles remained separate and no evidence was presented that they collaborated or that the prosecutor had any role in advising the Commission, Mr. Turner was not denied due process through alleged commingling of prosecutorial and adjudicatory functions.

Opinion by: Victor C. Howard, Judge

Date: October 4, 2011

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